

Message Text

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ACTION ACDA-19

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 EUR-25 OIC-04 OMB-01 AEC-11 NEA-10 TRSE-00

SAJ-01 AECE-00 ACDE-00 CU-04 DRC-01 /165 W

----- 097705

P R 141600Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 4622

INFO ALL CSCE CAPITALS 107

AMEMBASSY OSLO

USNMR SHAPE

USCINCEUR

USLOSACLANT

USDOCOSOUTH

C O N F I D E N T I A L GENEVA 1685

VIENNA ALSO FOR US DEL MBFR

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: CSCE: SUBCOMMITTEE ON MILITARY SECURITY (CBM'S); STATUS
OF DRAFTING

REF: STATE 049886

SUMMARY. AFTER TWO DAYS OF DEBATE, SUB-COMMITTEE PROVISSIONALLY REGISTERED THE INTRODUCTORY OPERATIVE SENTENCE OF A MEASURE FOR PRIOR NOTIFICATION OF MANEUVERS. SENTENCE LEAVES OPEN THE QUESTION OF THE NATURE OF THE OBLIGATION. SUB-COMMITTEE WILL NOW TURN ITS ATTENTION TO THE VARIOUS CRITERIA FOR NOTIFICATION BUT DISPUTES ON THESE ARE EXPECTED TO REMAIN UNRESOLVED BY TIME OF EASTER RECESS, LEAVING SUB-COMMITTEE IN POSITION TO DO NO MORE THAN REGISTER CONFLICTING PROPOSALS. QUESTION OF NATURE OF OBLIGATION WILL LIKELY ARISE AGAIN BEFORE RECESS AND, AS INSTRUCTED REFTEL, WE WILL
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CONTINUE PRESSING OUR ALLIES TO SUPPORT OUR POSITION ON THIS

PROBLEM. END SUMMARY.

1. AT MARCH 13 MEETING, SUB-COMMITTEE DECIDED TO PROVISIONALLY REGISTER THE FOLLOWING TEXT WITH THE STANDARD CAVEAT THAT IT IS "SUBJECT TO A SUBSEQUENT DECISION AS TO ITS PLACE IN THE FINAL DOCUMENT/DOCUMENTS AND TO AN AGREEMENT ON THE TEXT AS A WHOLE":

BEGIN TEXT. THE PARTICIPATING STATES (NATURE OF COMMITMENT) GIVE PRIOR NOTIFICATION OF MAJOR MILITARY MANEUVERS IN ACCORDANCE WITH THE FOLLOWING PROVISIONS: END TEXT

2. THIS TEXT IS INTENDED AS THE FIRST OPERATIVE SENTENCE OF A MEASURE ON THE PRIOR NOTIFICATION OF MAJOR MILITARY MANEUVERS AND IS TO BE FOLLOWED BY SENTENCES, ON WHICH DISCUSSION HAS JUST BEGUN, WHICH WOULD SET FORTH CRITERIA FOR THE NOTIFICATION, SUCH AS THE THRESHOLD AND AREA OF APPLICATION. DECISION TO PROVISIONALLY REGISTER THE TEXT WAS REACHED AFTER TWO DAYS OF DEBATE DURING WHICH SOME NEUTRAL AND NATO DELEGATIONS SOUGHT TO MODIFY THE SENTENCE SO THAT IT WOULD BE SLANTED IN THE DIRECTION OF THEIR PARTICULAR PROPOSALS FOR THESE CRITERIA. ULTIMATELY, HOWEVER, A CONSENSUS WAS REACHED THAT THIS FIRST SENTENCE SHOULD BE FORMULATED IN SUCH A WAY AS TO AVOID PREJUDGING DECISION ON THE CRITERIA. THE TEXT WHICH THE SUB-COMMITTEE ACCORDINGLY DECIDED TO REGISTER WAS LARGELY BASED ON LANGUAGE SUGGESTED BY THE SOVIET DELEGATION. THE SOVIETS HAD ORIGINALLY PROPOSED THAT THE LAST PHRASE OF THE SENTENCE READ "IN ACCORDANCE WITH THE FOLLOWING AGREED PROVISIONS." THE WORD "AGREED" WAS DROPPED, HOWEVER, AFTER THE UK DELEGATION ARGUED THAT IT MIGHT CONVEY AN IMPLICATION OF A LEGAL OBLIGATION.

3. IT WILL BE NOTED THAT THE NATURE OF THE COMMITMENT IS LEFT UNSPECIFIED IN THE PROVISIONALLY REGISTERED SENTENCE, AND THAT THERE IS NO CITATION OF THE CONFLICTING FORMULATIONS THAT HAVE BEEN PREVIOUSLY PROPOSED BY NEUTRAL, NATO AND SOVIET DELEGATIONS. THIS WAS DONE AT THE SUGGESTION OF THE CANADIAN REPRESENTATIVE WHO ARGUED THAT THE PROBLEM OF THE NATURE OF THE COMMITMENT SHOULD BE DEALT WITH LATER AFTER THE OTHER ELEMENTS OF THE MEASURE HAD BEEN CONSIDERED. THE CANADIANS MADE THIS VERY HELPFUL SUGGESTION IN DEFERENCE TO THE USG POSITION ON THIS PROBLEM. (AN ALTERNATIVE APPROACH, WHICH WOULD PROBABLY HAVE BEEN FAVORED BY MANY DELEGATIONS, WOULD HAVE BEEN TO INSERT THE WORDS "SHALL/WILL" BETWEEN BRACKETS

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BEFORE THE PHRASE "GIVE PRIOR NOTIFICATION." CANADIANS, AND OTHER ALLIES, WERE OF COURSE AWARE THAT US COULD NOT ACCEPT EITHER OF THESE WORDS.) THE CANADIAN SUGGESTION WAS ADOPTED WITHOUT ANY RESISTANCE. USSR REP EXPRESSED AGREEMENT WITH THE CANADIAN PROPOSAL BUT INDICATED SOVIETS COULD ACCEPT USE OF WORD "WILL" IN FORMULATING THE COMMITMENT. NEUTRAL DELEGATIONS ALSO READILY AGREED TO CANADIAN APPROACH WHILE REITERATING THAT THEY FAVORED USE OF WORD "SHALL."

4. HAVING REGISTERED A FIRST SENTENCE, SUB-COMMITTEE
WILL NOW BE TURNING TO THE VARIOUS CRITERIA FOR PRIOR NOTIFICATION
OF MANEUVERS. AS DEPT. IS AWARE, THERE ARE WIDE DIVISIONS OF
OPINION AMONG DELEGATIONS CONCERNING THESE CRITERIA AND ANY TEXTS
WHICH SUB-COMMITTEE DECIDES TO REGISTER PROVISIONALLY BETWEEN NOW
AND EASTER RECESS WILL CONSIST OF A HEAVILY BRACKETED LISTING OF
CONFLICTING OR DISPUTED PROPOSALS. WE SEE NO PROSPECT OF CHANGES
IN DELEGATIONS' POSITIONS WHICH MIGHT ENABLE A CONSENSUS TO BE
REACHED BEFORE THE RECESS ON ANY OF THESE CONTROVERS
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